

Introduced by Senator Pavley

February 21, 2014

An act to amend Section 8574.7 of the Government Code, relating to oil spills.

LEGISLATIVE COUNSEL'S DIGEST

SB 1319, as introduced, Pavley. Oil spills: oil spill prevention and response.

The Lempert-Keene-Seastrand Oil Spill Prevention and Response Act generally requires the administrator for oil spill response, acting at the direction of the Governor, to implement activities relating to oil spill response, including emergency drills and preparedness, and oil spill containment and cleanup, and to represent the state in any coordinated response efforts with the federal government. Existing law directs the governor to require the administrator to amend, not in conflict with the National Contingency Plan, the California oil spill contingency plan to add a marine oil spill contingency planning section containing specified elements, including, among others, an environmentally and ecologically sensitive areas element.

This bill would add an additional element that considers the variability in physical and chemical properties of oil transported within and to the state and its waters to the marine oil spill contingency planning section of the California oil spill contingency plan.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

SECTION 1. Section 8574.7 of the Government Code is amended to read:

8574.7. The Governor shall require the administrator, not in conflict with the National Contingency Plan, to amend the California oil spill contingency plan by adding a marine oil spill contingency planning section that provides for the best achievable protection of the coast and marine waters. "Administrator" for purposes of this section means the administrator appointed by the Governor pursuant to Section 8670.4. The marine oil spill contingency planning section shall consist of all of the following elements:

(a) A state marine response element that specifies the hierarchy for state and local agency response to an oil spill. The element shall define the necessary tasks for oversight and control of cleanup and removal activities associated with a marine oil spill and shall specify each agency's particular responsibility in carrying out these tasks. The element shall also include an organizational chart of the state marine oil spill response organization and a definition of the resources, capabilities, and response assignments of each agency involved in cleanup and removal actions in a marine oil spill.

(b) A regional and local planning element that shall provide the framework for the involvement of regional and local agencies in the state effort to respond to a marine oil spill, and shall ensure the effective and efficient use of regional and local resources in all of the following:

- (1) Traffic and crowd control.
- (2) Firefighting.
- (3) Boating traffic control.
- (4) Radio and communications control and provision of access to equipment.
- (5) Identification and use of available local and regional equipment or other resources suitable for use in cleanup and removal actions.
- (6) Identification of private and volunteer resources or personnel with special or unique capabilities relating to marine oil spill cleanup and removal actions.
- (7) Provision of medical emergency services.

1 (8) Consideration of the identification and use of private working
2 craft and mariners, including commercial fishing vessels and
3 licensed commercial fishing men and women, in containment,
4 cleanup, and removal actions.

5 (c) A coastal protection element that establishes the state
6 standards for coastline protection. The administrator, in
7 consultation with the Coast Guard and Navy and the shipping
8 industry, shall develop criteria for coastline protection. If
9 appropriate, the administrator shall consult with representatives
10 from the States of Alaska, Washington, and Oregon, the Province
11 of British Columbia in Canada, and the Republic of Mexico. The
12 criteria shall designate at least all of the following:

13 (1) Appropriate shipping lanes and navigational aids for tankers,
14 barges, and other commercial vessels to reduce the likelihood of
15 collisions between tankers, barges, and other commercial vessels.
16 Designated shipping lanes shall be located off the coastline at a
17 distance sufficient to significantly reduce the likelihood that
18 disabled vessels will run aground along the coast of the state.

19 (2) Ship position reporting and communications requirements.

20 (3) Required predeployment of protective equipment for
21 sensitive environmental areas along the coastline.

22 (4) Required emergency response vessels that are capable of
23 preventing disabled tankers from running aground.

24 (5) Required emergency response vessels that are capable of
25 commencing oil cleanup operations before spilled oil can reach
26 the shoreline.

27 (6) An expedited decisionmaking process for dispersant use in
28 coastal waters. Prior to adoption of the process, the administrator
29 shall ensure that a comprehensive testing program is carried out
30 for any dispersant proposed for use in California marine waters.
31 The testing program shall evaluate toxicity and effectiveness of
32 the dispersants.

33 (7) Required rehabilitation facilities for wildlife injured by
34 spilled oil.

35 (8) An assessment of how activities that usually require a permit
36 from a state or local agency may be expedited or issued by the
37 administrator in the event of an oil spill.

38 (d) An environmentally and ecologically sensitive areas element
39 that shall provide the framework for prioritizing and ensuring the
40 protection of environmentally and ecologically sensitive areas.

1 The environmentally and ecologically sensitive areas element shall
2 be developed by the administrator, in conjunction with appropriate
3 local agencies, and shall include all of the following:

4 (1) Identification and prioritization of environmentally and
5 ecologically sensitive areas in marine waters and along the coast.
6 Identification and prioritization of environmentally and ecologically
7 sensitive areas shall not prevent or excuse the use of all reasonably
8 available containment and cleanup resources from being used to
9 protect every environmentally and ecologically sensitive area
10 possible. Environmentally and ecologically sensitive areas shall
11 be prioritized through the evaluation of criteria, including, but not
12 limited to, all of the following:

13 (A) Risk of contamination by oil after a spill.

14 (B) Environmental, ecological, recreational, and economic
15 importance.

16 (C) Risk of public exposure should the area be contaminated.

17 (2) Regional maps depicting environmentally and ecologically
18 sensitive areas in marine waters or along the coast that shall be
19 distributed to facilities and local and state agencies. The maps shall
20 designate those areas that have particularly high priority for
21 protection against oil spills.

22 (3) A plan for protection actions required to be taken in the
23 event of an oil spill for each of the environmentally and
24 ecologically sensitive areas and protection priorities for the first
25 24 to 48 hours after an oil spill shall be specified.

26 (4) The location of available response equipment and the
27 availability of trained personnel to deploy the equipment to protect
28 the priority environmentally and ecologically sensitive areas.

29 (5) A program for systemically testing and revising, if necessary,
30 protection strategies for each of the priority environmentally and
31 ecologically sensitive areas.

32 (6) Any recommendations for action that cannot be financed or
33 implemented pursuant to existing authority of the administrator,
34 which shall also be reported to the Legislature along with
35 recommendations for financing those actions.

36 ~~(e) This section shall become operative on January 1, 2012.~~

37 *(e) An element that considers the variability in physical and*
38 *chemical properties of oil transported to, and within, the state and*
39 *its waters.*

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